

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KENNETH TOWNSEND,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 18-215
)	(Related to Criminal Action No. 12-125-3)
)	
UNITED STATES OF AMERICA,)	Judge Cathy Bissoon
)	
Respondent.)	

MEMORANDUM ORDER

Pending before the Court is Petitioner Kenneth Townsend’s Motion for Reconsideration (Doc. 8) of the Court’s judgment denying his motion under 28 U.S.C. § 2255 (Doc. 2). For the reasons that follow, Petitioner’s Motion for Reconsideration will be denied.

“A judgment may be altered or amended if the party seeking reconsideration shows at least one of the following grounds: (1) an intervening change in the controlling law; (2) the availability of new evidence . . . ; or (3) the need to correct a clear error of law or fact or to prevent manifest injustice.” Max’s Seafood Cafe v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999).

While Petitioner asserts that “[t]he movant brings forward the specification of the errors/newly discovered evidence upon which movant seeks to convince the Court to alter/amend its judgment,” (Motion for Reconsideration 1), Petitioner does not identify an error of law or fact, nor does he identify newly discovered evidence.

Rather, Petitioner raises several arguments that are similar to those he raised previously, and which were rejected by the Court. Specifically, he argues that he went to trial only because his counsel advised him that the government would not offer a plea deal with a sentence below fifteen years imprisonment; that his request for discovery should be granted so that he can

establish the existence of a written plea offer; that his enhanced sentence for obstruction of justice and his initial designation as a career offender show that he was prejudiced by counsel's advice; that counsel incorrectly advised him that he lacked standing to challenge a wiretap; and that he never received a copy of the affidavit supporting the wiretap.

All of these arguments are addressed (or rendered moot) by the Court's Memorandum Order (Doc. 1).

* * *

Accordingly, IT IS ORDERED that:

Petitioner's Motion for Reconsideration (Doc. 8) is **DENIED**.

IT IS SO ORDERED.

April 3, 2019

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All Counsel of Record

cc (via First-Class U.S. Mail):

Kenneth Townsend
No. 33585-068
F.C.I. Loretto
P.O. BOX 1000
LORETTO, PA 15940